

REMARKS

Claims Pending

Claims 5-20 were pending and will remain so upon entry of the above amendments.

Specification

As requested by the Examiner, the paragraph which appears on page 1, immediately below the heading "Related Applications" has been amended so as to include mention of applicant's provisional application.

Claim Rejections Due to Obviousness-Type Double Patenting

- a) Claim 20 has been amended by deletion of the words "a disease of the airways or lungs, polyps, a disease of the gastrointestinal tract, the bile duct or the gall bladder, kidneys or skin". It is earnestly asserted that upon entry of this amendment there will no longer be a basis for the provisional obviousness-type double patenting rejection over co-pending application 10/536,616. The claims in the co-pending application are directed to a method for treating a disease of the airways or lungs or the intestines associated with inflammation. Claim 20 as amended is limited to a method for treating a benign or malignant tumour.
- b) Claims 5-20 stand rejected for obviousness-type double patenting over US 6,740,651. To overcome this ground of rejection the claims have been amended so that the definition of E no longer includes 2-oxo-morpholino, which may be substituted by 1 to 4 C₁₋₂-alkyl groups, or 2-oxo-thiomorpholino, which may be substituted by 1 to 4 C₁₋₂-alkyl groups.
- c) Claims 5-20 stand rejected for obviousness-type double patenting over US 6,653,305. To overcome this ground of rejection the claims have been amended so that the definition of E no longer includes R₆O-CO-alkylene-NR₅.

Conclusion

It is respectfully urged that the amended claims avoid all grounds for rejection or objection and are allowable. It is further urged that the application as amended is in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan Stempel". The signature is fluid and cursive, with the first name "Alan" and last name "Stempel" clearly distinguishable.

Alan Stempel
Attorney for Applicant(s)
Reg. No. 28,991

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT. 06877
Tel.: (203) 798-4868

Enclosures:

(1) Petition for Extension of Time (one page)